IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 6342 OF 2005

Shri Babasahed Krishnarao Pol ..Petitioner.

Versus

Appasaheb Gangaram Waghmare & Ors ..Respondents.

Mr. Sadashiv G. Deshmukh for the Petitioner.

CORAM : S. A. BOBDE, J.

DATED : 28TH SEPTEMBER,2005.

P.C.:

1. By this petition, the petitioner has challenged the order of the Divisional Commissioner, Pune Division, Pune dated 15.03.2005, granting stay while entertaining the revision application of the respondents.

2. Earlier the Commissioner has passed an order of stay, interalia, on the ground that before passing order dated 10.10.2003 by the Tahasildar, no intimation was issued to the present respondents or the tenant. The other reasons such as non-

impleadment of necessary parties were also stated. The Divisional Commissioner came to the conclusion, after hearing both the sides, that a prima facie case has been made out by the respondents in regard to handing over possession which may contain defects of a serious nature. The learned Divisional Commissioner has held that these contentions can be decided only after a detailed hearing.

3. Mr. Deshmukh, the learned counsel for the petitioner submitted that the Commissioner is not in a position to dispose of the revision application, apparently in pursuance of the order of this court and therefore, the stay would continue for a long period. That is not a sufficient ground for vacating the stay since, doing so would render the respondent's revision infructuous.

4. This petition being against an interlocutory order, I see no reason to interfere. Dismissed.

DT.28.09.05 (S.A.BOBDE,J)

.....